

REMARKS

Claims 1-4, 7-8, 17-38, and 43-65 are pending in the application. Claims 5-6, 9-16, and 39-42 have been cancelled. Claims 47-65 have been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

I. INTERVIEW SUMMARY

Applicants wish to thank the Examiner for the interview conducted on October 22, 2009. During the interview, the Examiner and Applicants' attorneys discussed the outstanding rejections of the independent claims under U.S.C. § 102. The specific matters discussed during the interview are addressed in the Remarks below.

II. REJECTIONS UNDER 35 U.S.C. § 112

Claims 1, 7-8, 17, 18-26, 27, 28-29, 30, 31-32, 33-37, 43, and 44-46 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner asserts that Applicants have claimed a first and second state of the print mechanism but that in the specification or the drawings the Applicants fail to either explain or disclose what the first and the second state is referring to.

In order to advance prosecution, and in no way to be interpreted as acquiescing to the rejection, Claims 1, 17, 27, 30, and 43 have been amended in the self-explanatory manner. Therefore, reconsideration and withdrawal of the § 112, first paragraph rejections against Claims 1, 17, 27, 30, and 43 and their respective dependent Claims is respectfully requested.

III. REJECTIONS 35 U.S.C. §§ 102 AND 103

Claims 1-3, 7-8, 17-19, 26-28, 30-32, and 43-46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2003/0058471 to Okubo. Claims 4, 20-25, and 33-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okubo in view of U.S. Patent Publication No. 2001/0034747 to Fujitani. Applicants respectfully traverse these rejections for at least the reasons set forth below.

A. Independent Claim 1

Independent Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Okubo. Amended independent Claim 1 is patentable over Okubo.

1. Okubo fails to teach controlling a “first state” of operation of the functionality as presently claimed.

Amended independent Claim 1 recites a system that includes, in relevant part:

at least one memory comprising software, the software when executed performing a functionality for the print mechanism,

the memory further comprising instructions executable by the processor to cause the processor to:

control a state of operation of the functionality where a first state is associated with an inability to execute the software so that the print mechanism does not include the functionality.

Emphasis added. At a minimum, the Okubo reference fails to disclose or suggest these features.

In the rejection, the Office Action relies on paragraph [0113] of Okubo to teach “[controlling] a state of operation of [a] functionality [for the print mechanism] where a first state is associated with inability to execute the software so that the print mechanism does not include the functionality” as recited independent Claim 1. Specifically, the Examiner contends that the recited first state is “when there has not been any upgrades hence when the controller notif[ies] the PC with NG.” (Office Action, paragraph 4). This is incorrect. Okubo does not teach or suggest controlling a state of operation of a functionality in a first state where the first

state is associated with an inability to execute the software stored in memory that performs the functionality.

As noted above, Claim 1 recites at least one memory comprising software, the software when executed performs a functionality for the print mechanism. Additionally, the recited processor controls a state of operation of the functionality such that the first state is associated with an inability to execute the software so that the print mechanism does not include the functionality. In other words, the software that controls the functionality is resident in memory during the first state of operation of the functionality even though the software is not executable (i.e., the recited functionality cannot be performed for the print mechanism). However, in Okubo, the enhancement control unit 19 first determines whether the function (i.e., the alleged recited functionality as asserted by the Office Action) to be added or to be upgraded is appropriate before the function enhancement unit 18 performs the enhancement. (See paragraph [0077]). Therefore, the memory 13 of Okubo does not even include the additional or the updated programs (i.e., the alleged software) that control the enhanced functionality prior to the performance of the determination. In this way, the memory 13 of Okubo cannot include the additional or the updated programs “when there has not been any upgrades” or more specifically, during the alleged “first state” as asserted by the Office Action. Therefore Okubo fails to teach or suggest controlling a state of operation of a functionality for a print mechanism in the manner recited in Claim 1.

2. Okubo fails to teach receiving user selection information indicative of a “second state” of operation where the second state enables execution of the software so that the print mechanism includes the functionality.

Amended independent Claim 1 recites a system that includes, in relevant part:

receive user selection information indicative of a selection of a second state of operation of the functionality, the second state associated with an ability to execute the software so that the print mechanism includes the functionality.

Emphasis added. At a minimum, the Okubo reference fails to disclose or suggest this feature.

In the rejection, the Office Action asserts that the determination operation performed by the installer 32 at Step s12 of Okubo discloses the operation of receiving user selection information recited above. Specifically, the Office Action contends that the determination by the installer 32 whether the downloaded program is for a new additional individual image processing program or an upgrade to the existing individual image processing program described in paragraph [0088] of Okubo is made based on information received from the PC 21. The Office Action asserts that this determination equates to “[receiving] user selection information indicative of a selection of a second state of operation of the functionality.” (Office Action, Paragraph 4). Applicants respectfully disagree. Though the function enhancement operation described in Figure 5 of Okubo is initiated when the PC 21 communicates an instruction to the CPU 11, the PC 21 (i.e., a user as asserted by the Office Action) fails to provide the claimed information, namely “user selection information indicative of a selection of a second state of operation of the functionality.” Instead, as described in paragraph [0083] of Okubo, the instruction from the PC 21 simply designates an image processing application such as the printer application or the copier application that the PC 21 has requested for use; the instruction does not equate to a selection of a new additional individual image processing program or an upgraded image processing program (i.e., the alleged recited functionality). In other words, in Okubo the

PC 21 does not affirmatively select the new additional individual image processing program or an upgraded image processing program. Rather, as noted above, the instruction sent from the PC 21 merely initiates the function enhancement operation that determines whether additional individual image processing programs or upgraded image processing programs are available and appropriate. As such, Okubo fails to teach or even suggest “receive user selection information indicative of a selection of a second state of operation of the functionality, the second state associated with an ability to execute the software so that the print mechanism includes the functionality” as presently claimed.

For at least the reasons cited, Applicants respectfully submit that Okubo fails to anticipate independent Claim 1. As such, Applicants respectfully request that the rejection of independent Claim 1 and its dependent claims be withdrawn.

B. Independent Claim 17

Independent Claim 17 recites a method that includes, in relevant part, performing a functionality for a print engine when executing software, controlling a state of operation of the functionality where a first state is associated with an inability to execute the software so that the print engine does not include the functionality, and receiving user selection information indicative of a second state of operation of the functionality where the second state is associated with the ability to execute the software so that the print engine includes the functionality. Independent Claim 17 recites features not shown or described in Okubo, as discussed above with reference to Claim 1. As such, Applicants respectfully request that the rejection of independent Claim 17 and its dependent claims be withdrawn.

C. Independent Claim 27

Independent Claim 27 recites a method that includes, in relevant part, performing a functionality for a functional unit based on the execution of software, controlling a state of operation of the functionality where a first state is associated with an inability to execute the software so that the functional unit does not include the functionality, and receiving user selection information indicative of a second state of operation of the functionality where the second state is associated with an ability to execute the software so that the functional unit includes the functionality. Independent Claim 27 recites features not shown or described in Okubo, as discussed above with reference to Claim 1. As such, Applicants respectfully request that the rejection of independent Claim 27 and its dependent claims be withdrawn.

D. Independent Claim 30

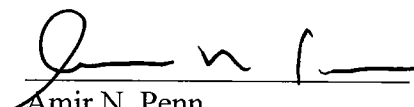
Independent Claim 30 recites a system that includes, in relevant part, a processor and at least one memory that comprises software that, when executed, performs a functionality for a functional unit. The memory further comprises instructions executable by the processor to cause the processor to control a state of operation of the functionality where a first state is associated with an inability to execute the software so that the functional unit does not include the functionality and receive user selection information indicative of a second state of operation of the functionality where the second state is associated with an ability to execute the software so that the functional unit includes the functionality. Independent Claim 30 recites features not shown or described in Okubo, as discussed above with reference to Claim 1. As such, Applicants respectfully request that the rejection of independent Claim 30 and its dependent claims be withdrawn.

IV. CONCLUSION

At least in view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration is respectfully requested. If the Examiner has any questions, the Examiner is invited to contact the undersigned attorney at (312) 321-4200.

Respectfully submitted,

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